

Electronically Filed
Intermediate Court of Appeals
CAAP-12-0000792
19-FEB-2015
08:12 AM

NO. CAAP-12-0000792

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

ANTHONY K. KEKONA, JR., Petitioner-Appellant, v.
STATE OF HAWAII, Respondent-Appellee

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT
(S.P.P. NO. 12-1-0008(1))

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding Judge, Leonard and Reifurth, JJ.)

Petitioner-Appellant Anthony K. Kekona, Jr. (**Kekona**) appeals from the Findings of Fact, Conclusions of Law, and Order Dismissing Petition for Post-Conviction Relief Under HRPP Rule 40, i.e. Document Entitled "HRS 660-6 and 660-7 Order to Show Cause," filed on September 5, 2012 (**Order Denying Relief**), in the Circuit Court of the Second Circuit (**Circuit Court**).¹

On appeal, Kekona concedes that his previous Petition, pursuant to Rule 40 of the Hawaii Rules of Penal Procedure (**HRPP**) was denied. However, Kekona asserts that the law in Hawaii has changed since then and he again claims that the court lacks jurisdiction because he is a citizen of the Hawaiian Kingdom. Kekona also claims that the Circuit Court erred by denying his request for appointment of counsel to assist in asserting this claim.

¹ The Honorable Rhonda I.L. Loo presided.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we resolve Kekona's points of error as follows:

Recent Hawai'i law reaffirms the jurisdiction of the court over Kekona. In State v. Kaulia, 128 Hawai'i 479, 487, 291 P.3d 377, 385 (2013), the supreme court held that "the [S]tate's criminal jurisdiction encompasses all areas within the territorial boundaries of the State of Hawai'i." Further, "whatever may be said regarding the lawfulness of its origins, the State of Hawai'i . . . is now, a lawful government," and "[i]ndividuals claiming to be citizens of the Kingdom and not of the State are not exempt from application of the State's laws." Id. (citations, internal quotation marks and brackets omitted).

Therefore, Kekona's claim that the Circuit Court lacked jurisdiction is without merit and the Circuit Court did not err by denying his request for appointment of counsel.

For these reasons, the Circuit Court's September 5, 2012 Order Denying Relief is affirmed.

DATED: Honolulu, Hawai'i, February 19, 2015.

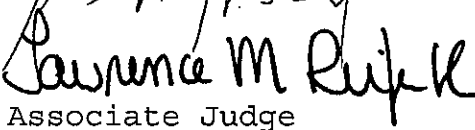
On the briefs:

Anthony K. Kekona, Jr.
Petitioner-Appellant Pro Se

Artemio C. Baxa
Deputy Prosecuting Attorney
County of Maui
for Respondent-Appellee


Clarence R. Foley
Presiding Judge


Associate Judge


Lawrence M. Ruppel
Associate Judge